Paper No. 5

DAVID L. FEIGENBAUM
FISH & RICHARDSON P.C.
225 FRANKLIN STREET
BOSTON MA 02110-2809

COPY MAILED

NOV 2 6 2001

OFFICE OF PETITIONS

In re Application of   :
Singh et al.   : DECISION GRANTING
Application No. 09/755,881   : PETITION
Filed: 5 January, 2001   :
Attorney Docket No. 8325-0026P :

This is a decision on the paper styled "Resubmission of Request for Corrected Official Filing Receipt" filed on 5 October, 2001, which is treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 5 January, 2001, rather than the presently accorded filing date of 3 January, 2001.

Petitioner alleges that the application was deposited in Express Mail service on 5 January, 2001. In support, on 5 October, 2001, petitioner supplied a copy of Express Mail Label No. EL270011442US (the same Express Mail number found on the provisional application cover sheet accompanying the original application papers located in the official file). Although the "date-in" on the Express Mail label appears to be "01/03/01", the Express Mail label also contains a USPS postmark dated 5 January, 2001. Furthermore, a search of the USPTO's USPS Express Mail Information Database reveals that this Express Mail Label No. was accepted by the USPS on 5 January, 2001.

In view of the above, the petition is <u>granted</u>. No petition fee is required and none has been charged.

The application is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 5 January, 2001, and for issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
   for Patent Examination Policy